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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,845	11/01/2001	Isidore I. Lamke	LUMA 8170US	8828
1688	7590	10/03/2003	EXAMINER	
POLSTER, LIEDER, WOODRUFF & LUCCHESI 763 SOUTH NEW BALLAS ROAD ST. LOUIS, MO 63141-8750			TON, ANABEL	
			ART UNIT	PAPER NUMBER

2875

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,845

Applicant(s)

LAMKE ET AL.

Examiner

Anabel M Ton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,5,9,12-14,17,19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Vilanilam et al (5,821,695).

3. Vilanilam discloses a support circuit board (62), the circuit board having a first side and a second side (fig 1), the circuit board defining an aperture for communication between the first and second sides (col. 4 lines 20-26); a plurality of light emitting diodes mounted to the circuit board (64) and electrical connection attached to the circuit board and extending outwardly of the lamp assembly (figs 6 and 7); a mold in place lens material being juxtaposed with the circuit board assembly and light emitting diodes and formed to provide a predetermined shape for the lens assembly (col. 4 lines 5-26), the electrical connection extending outwardly of the lens assembly.

- The circuit board defines a plurality of apertures, the apertures acting to prevent gasses from being trapped within the material during formation of the mold in place lens (col. 4 lines 6-10,21-24) (all open spaces are filled hence avoiding trapping gasses);
- The lens material has at least one opening formed in it for permitting attachment of the lamp assembly to another structure (74);

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- A moldable translucent material forming a lens for the lamp assembly a light emitting unit attached to a circuit board wherein the circuit board has been molded within the material the circuit having at least one aperture formed in it for permitting flow of the translucent material through the circuit board and electrical leads attached to the circuit board that extend through the material to allow electrical connection to the circuit board (col. 4 lines 5-26).
- A circuit board defining a plurality of apertures a light emitting unit connected to the circuit board and a moldable lens material, said lens material flowable through the aperture plurality; wherein the circuit board and light emitting unit is submerged within the moldable lens material before hardening and the moldable lens material allowed to harden such that the circuit board and light emitting unit are encased within the moldable lens material in the substantial absence of air (col. 3 lines 65-67 and col.4 lines 1-27).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3,4,6-8,10,11,15,16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vilanilam et al.

- Vilanilam discloses the claimed invention except for the recitation of a reflector, a plurality of reflectors and a specific range of resistance to force potentially exerted on the device of the instant invention.
- With regards to the circuit board having a reflector being attached to it, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a reflector in the device of Vilonia for the purpose of providing a magnified light emission towards a desired direction (see cited prior art Schaffer).
- With regards to the lighting device comprising a plurality of reflectors, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a plurality of reflectors attached to the circuit board since a plurality of reflectors would promote an evenly distributed desired light emission from the lighting device, furthermore it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ.
- With regards to the assembly withstanding a force of at least 30lbs per square inch, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have such a range of force resistance since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

- With regards to the LED's arranged on rows and columns, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have to have a lighting device with LED's arranged in rows and columns since such an arrangement for the purpose of providing a distributed light emission is old and well known in the art (see prior art Roney et al)
- With regards to the at least one portion of one of the rows of LED's emitting light having a color different from at least a portion of another row of the LED's, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a portion of a row of LED's emitting light having a color different from at least a portion of another row of the LED's since as such an arrangement is old and well known in the art for the purpose of providing a desired color of light emitted from the lighting device. (see prior art Deese)

Response to Arguments

6. Applicant's arguments filed 07/08/03 have been fully considered but they are not persuasive. Applicant alleges that none of the prior art cited teaches a generally solid, one-piece lamp assembly as that taught in the instant invention, examiner disagrees. In both cases, both Vilanilam and the instant invention, the end product after assembly is indeed a generally solid one-piece structure particularly since taught by Vilanilam, after the silicone is injected into the lamp device, a generally solid structure is produced. Although, as applicant argues, Vilanilam uses an o-ring to facilitate sealing of the

device, this added feature does not teach away from applicant's invention as currently amended. The newly amended claims are therefore rejected as shown above.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M Ton whose telephone number is (703) 305-1084. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Anabel M Ton
Examiner
Art Unit 2875

AMT

A handwritten signature in black ink, appearing to read 'Thomas M. Sember', with a stylized, cursive script.

THOMAS M. SEMBER
PRIMARY EXAMINER